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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,188	02/27/2004	Ulf R. Hanebutte	INT.P013	6945
45512	7590	10/18/2007		
LAWRENCE CHO C/O PORTFOLIOIP P. O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER LE, JOHN H	
			ART UNIT 2863	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/789,188		HANE BUTTE, ULF R.	
	Examiner		Art Unit	
	John H. Le		2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 12-15, 17-20, 24, 31-35 and 39-47 is/are pending in the application.
- 4a) Of the above claim(s) 7-11, 16, 21-23, 25-30 and 36-38 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 12-15, 17-20, 24 and 31-35 is/are allowed.
- 6) ☒ Claim(s) 39-43, 45 and 46 is/are rejected.
- 7) ☒ Claim(s) 44 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This office action is in response to applicant's amendment received on 07/23/2007.

Claims 1, 13, 15, and 18 have been amended.

Claims 7-11, 16, 21-23, 25-30, and 36-38 have been cancelled.

Claims 39-47 have been added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 39-42 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thelander et al. (US 2003/0009705) in view of Potega (US 2003/0085621).

Regarding claim 39, Thelander et al. disclose a power evaluation unit comprising: a data retriever unit (client service process 305) to retrieve power data (e.g. [0061]) to an operating system (301) by a battery (e.g. [0061], [0083], computer 205 is operating from battery power); and a data processor unit (microcontroller) to determine a net power consumption of an application from the power data (e.g. [0060]).

Thelander et al. fail to teach wherein the power data includes power capacity and drain rate data from a battery.

Potega teaches the power data includes power capacity (e.g. [0149]) and drain rate data from a battery (e.g. [0186]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform the power data includes power capacity and drain rate data from a battery as taught by Potega in a method for managing power data of Thelander et al. for the purpose of providing a intelligent power supply (Potega, [0081]).

Regarding claim 40, Thelander et al. fail to teach a data evaluation unit to determine a systematic error associated with a run-time for the power data.

Potega discloses a data evaluation unit to determine a systematic error associated with a run-time for the power data (e.g. [0118]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform the a data evaluation unit to determine a systematic error associated with a run-time for the power data as taught by Potega in a method for managing power data of Thelander et al. for the purpose of providing a intelligent power supply (Potega, [0081]).

Regarding claim 41, Potega discloses the data evaluation unit determines a new run-time that reduces the systematic error (e.g. [0489]).

Regarding claim 42, Thelander et al. disclose a method for managing power data ([0008]), comprising: determining an amount of power used by a system running an application over a first time period from an operating system (e.g. [0056], [0058]-[0060]) by integrating a drain rate of the battery over the time period (e.g. Fig.4, [0044]-[0045]); determining an amount of power used by the

system in a baseline state over a second time period from the operating system (e.g. [0056], [0058]-[0060], [0093]); and determining a net power consumption of the application from the amount of power used for the system running the application and the amount of power used by the system in the baseline state (e.g. [0056], [0093]); generating an indication to of the net power consumption of the application to user (e.g. [0056]).

Thelander et al. fail to disclose determining an amount of power used by a system running an application over the time period from power data supplied to an operating system by a battery over the time period, wherein the power data includes power capacity and drain rate data from a battery.

Potega teaches steps of determining an amount of power used by a system running an application over the time period from power data supplied to an operating system by a battery over the time period (computer running power management software monitors status of battery and control power supplied, [282]-[285], [183]-187]), the power data includes power capacity (e.g. [0149]) and drain rate data from a battery (e.g. [0186]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform steps of determining an amount of power used by a system running an application over the time period from power data supplied to an operating system by a battery over the time period, wherein the power data includes power capacity and drain rate data from a battery as taught by Potega in a method for managing power data of Thelander et al. for the purpose of providing a intelligent power supply (Potega, [0081]).

Regarding claim 45, Thelander et al. disclose determining an amount of power used by a system running an application over a first time period from an operating system (e.g. [0056], [0058]-[0060]) by integrating a drain rate of the battery over the time period (e.g. Fig.4, [0044]-[0045]).

Regarding claim 46, Thelander et al. disclose determining an amount of power used by the system in a baseline state over a second time period from the operating system (e.g. [0056], [0058]-[0060], [0093]) comprise integrating a drain rate of the battery over the second time period (e.g. Fig.4, [0044]-[0045]).

4. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thelander et al. (US 2003/0009705) in view of Potega (US 2003/0085621) as applied to claim 42 above, and further in view of Culbert et al. (US 5,600,841).

Regarding claim 43, Potega disclose determining a systematic error of the power data (e.g. [0118], [0273]-[0275]) used for determining the amount of power used by the system running the application (computer running power management software monitors status of battery and control power supplied, [282]-[285], [183]-187)).

The combination of Thelander et al. and Potega discusses supra, discloses the claimed invention except generating an indication to the user if the systematic error exceeds a predetermined threshold.

Culbert et al. teach generating an indication to a user if the systematic error exceeds a predetermined value (e.g. Col.8, lines 8-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform step of generating an indication to a user if the

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systematic error exceeds a predetermined value as taught by Culbert et al. in a method for managing power data of Thelander et al. in view of Potega for the purpose of providing a system for controlling power in electronic devices (Culbert et al., Col.1, lines 11-14).

Allowable Subject Matter

5. Claims 1-6, 12, 13-15, 17, 18-20, 24, 31-35 are allowed.
6. Claims 44 and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The combination as claimed wherein determining a systematic error of the power data used for determining the amount of power used by the system running the application by dividing an update granularity of the power data by the first time period (claim 1, claim 18, claim 44) is not disclosed, suggested, or made obvious by the prior art of record.

The combination as claimed wherein determining systematic error of an update frequency for the power data; generating a new run-time to run the application and displaying the new run-time to a user if the systematic error of the update frequency exceeds a threshold value; and determining a net power consumption of the application from the power data if the systematic error of the

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update frequency exceeds the threshold value (claim 13) is not disclosed, suggested, or made obvious by the prior art of record.

The combination as claimed wherein determining a net power consumption of the application from the amount of power used by the system running the application and the amount of power used by the system in the baseline state by computing a first net power value using power capacity data and a second net power data using drain rate data; and generating an indication to a user if the difference between the first and the second net power values exceeds a threshold value (claim 31) is not disclosed, suggested, or made obvious by the prior art of record.

The combination as claimed wherein determining the net power consumption of the application comprises subtracting the amount of power used by the system in the baseline state over the second time period from the amount of power used by the system running the application over the first time period. (claim 47) is not disclosed, suggested, or made obvious by the prior art of record.

Response to Arguments

7. Applicant's arguments filed 07/23/2007 have been fully considered but they are not persuasive.

-Applicant argues that the prior did not teach "wherein the power data includes power capacity and drain rate data from a battery" as cited in claims 39 and 42.

Examiner position is that Potega teaches the power data includes power capacity (e.g. [0149]) and drain rate data from a battery (e.g. [0186]).

-Applicant argues that the prior did not teach, "generating an indication to a user if the systematic error exceeds a predetermined value" as cited in claim 43.

Examiner position is that Culbert et al. teach generating an indication to a user if the systematic error exceeds a predetermined value (e.g. Col.8, lines 8-12).

-Applicant argues that the prior did not teach, "determining a systematic error of the power data supplied to an operating system by a battery".

Examiner position is that steps of determining a systematic error of the power data supplied to an operating system by a battery is not cited in claims 39-43 and 45-46.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John H. Le whose telephone number is 571 272 2275. The examiner can normally be reached on 9:00 - 5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571 272 2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John H. Le

Patent Examiner-Group 2863

October 6, 2007


John Barlow
Supervisory Patent Examiner
Technology Center 2800